

Attorney Docket No.: BVTP-P01-590

U.S.S.N.: 10/023,259

3FW/3767

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Park *et al.*

Serial No: 10/023,259

Filed: December 14, 2001

For: MICRONEEDLE DEVICES AND
PRODUCTION THEREOF

Attorney Docket No. BVTP-P01-590

Art Unit: 3763

Examiner: SIRMONS, KEVIN C.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

10/18/07

Date of Signature
and of Mail Deposit

Andrea Berlo

Andrea Berlo

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

UNDER 37 C.F.R. § 1.181(a)

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Petition is filed in response to the Notice of Abandonment mailed on October 9, 2007, in connection with the above application. Applicants petition for withdrawal of the Examiner's holding of abandonment of the above-referenced application, on the ground that a Notice of Appeal and a Petition for Extension of Time were timely filed by Express Mail Procedure as specified in 37 C.F.R. § 1.10.

A Final Office Action in connection with the above application was mailed on May 13, 2004. Applicants filed a Notice of Appeal on Monday, November 15, 2004, with an

accompanying Petition for Three-Month Extension of the response period. In filing the Notice of Appeal, Applicants properly followed the Express Mail Procedure pursuant to 37 C.F.R. § 1.10.

Applicants submit herewith:

- a copy of the Notice of Appeal, as originally filed on November 15, 2004, bearing a signed Certificate of Express Mailing under Airbill No. EV 543609353 US;
- a copy of the Three-Month Petition for Extension of Time under 37 C.F.R. §1.136(a), as originally filed on November 15, 2004, bearing a signed Certificate of Express Mailing under Airbill No. EV 543609353 US;
- a copy of the Fee Transmittal, as originally filed on November 15, 2004, bearing a signed Certificate of Express Mailing under Airbill No. EV 543609353 US;
- a copy of the postcard receipt for the Notice of Appeal, Petition for Extension of Time, Fee Transmittal, and authorization to charge fees, dated November 15, 2004, bearing Express Mail Airbill No. EV 543609353 US, date-stamped by OIPE to indicate a receipt date of November 15, 2004;
- a copy of the Post Office to Addressee Express Mail Label (EV 543609353 US), showing the Date-In as 11-15-04, 5:58 PM. The Express Mail Label also shows the Attorney Docket No. BVTP-P01-590;
- a copy of the above-referenced Notice of Appeal and Petition for Extension of Time, bearing the OIPE date-stamp of November 15, 2004, which are downloaded from the Image File Wrapper of PAIR; and,
- A copy of the relevant section of the USPTO Deposit Account Statement for November 2004 for Account Number 18-1945, showing charges of \$490 (fee code 2253 for three-month extension for small entity) and \$170 (fee code 2401 for Notice of Appeal for small entity) under U.S.S.N. 10/023259 on November 17, 2004.

Applicants petition that the holding of abandonment of the above-identified patent application be withdrawn, as a proper reply (Notice of Appeal with Petition for Extension of Time) was timely filed. Support for this Petition is provided by the enclosed submissions, which

establish that the Notice of Appeal and Petition for Extension of Time were timely filed in the USPTO, using Express Mail Procedure on November 15, 2004, and were received by the USPTO. In addition, Applicants promptly submitted the instant Petition upon receipt of the Notice of Abandonment.

Respectfully submitted,

DATE: October 18, 2007

by 
Lisa M. Treannie
Reg. No. 41,368
Ropes & Gray LLP
One International Place
Boston, MA
Agent for Applicant(s)
Tel. No. (617) 951-7000
Fax No. (617) 951-7050

OCT 24 2007

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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 660.00)

Complete if Known

Application Number	10/023259
Filing Date	December 14, 2001
First Named Inventor	Jung-Hwan Park
Examiner Name	K. C. Simons
Art Unit	3763
Attorney Docket No.	BVTP-P01-590

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None
 Deposit Account:

Deposit Account Number: 18-1945
 Deposit Account Name: Ropes & Gray LLP

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	Fee Description	
1051	130	2051 65 Surcharge - late filing fee or oath	
1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	
1053	130	1053 130 Non-English specification	
1812	2,520	1812 2,520 For filing a request for ex parte reexamination	
1804	920*	1804 920* Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action	
1251	110	2251 55 Extension for reply within first month	
1252	430	2252 215 Extension for reply within second month	
1253	980	2253 490 Extension for reply within third month	490.00
1254	1,530	2254 765 Extension for reply within fourth month	
1255	2,080	2255 1,040 Extension for reply within fifth month	
1401	340	2401 170 Notice of Appeal	170.00
1402	340	2402 170 Filing a brief in support of an appeal	
1403	300	2403 150 Request for oral hearing	
1451	1,510	1451 1,510 Petition to Institute a public use proceeding	
1452	110	2452 55 Petition to revive - unavoidable	
1453	1,370	2453 685 Petition to revive - unintentional	
1501	1,370	2501 685 Utility issue fee (or reissue)	
1502	490	2502 245 Design issue fee	
1503	660	2503 330 Plant issue fee	
1460	130	1460 130 Petitions to the Commissioner	
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	
1806	180	1806 180 Submission of Information Disclosure Stmt	
8021	40	8021 40 Recording each patent assignment per property (times number of properties)	
1809	790	2809 395 Filing a submission after final rejection (37 CFR 1.129(a))	
1810	780	2810 395 For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801 395 Request for Continued Examination (RCE)	
1802	900	1802 900 Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid			
SUBTOTAL (3) (\$ 660.00)			

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY				
(Complete if applicable)				
Name (Print/Type)	Lisa M. Treannie	Registration No. (Attorney/Agent)	41,368	Telephone (617) 951-7725
Signature	<i>Lisa M. Treannie</i>		Date	November 15, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV543609353US, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 11-15-04

Signature: *Andrea Berlo* (Andrea Berlo)



Via: Express Mail: Airbill No. EV543609353US	Atty Dkt No.: BVTP-P01-590
Inventor: Park et al.	
Application No.: 10/023259	Filing Date: December 14, 2001
Title: MICRONEEDLE DEVICES AND PRODUCTION THEREOF	

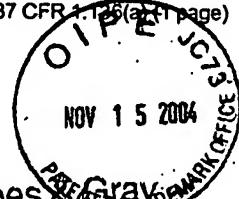
Documents Filed:
Fee Transmittal (1 page)

Three Month Request for Extension of Time Under 37 CFR 1.126(a)(1) (1 page)

Notice of Appeal (1 page)

Charge \$660.00 to deposit account 18-1945

Return receipt postcard



Sender's Initials: LMT/YL/amb Date: November 15, 2004

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Intellectual Property Dept.



Via: Express Mail: Airbill No. EV543609353US	Atty Dkt No.: BVTP-P01-590
Inventor: Park et al.	
Application No.: 10/023259	Filing Date: December 14, 2001
Title: MICRONEEDLE DEVICES AND PRODUCTION THEREOF	

Documents Filed:
Fee Transmittal (1 page)

Three Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page)

Notice of Appeal (1 page)

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Examiner Name	K. C. Simons
Art Unit	3763
Attorney Docket No.	BVTP-P01-590

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Check Credit Card Money Order Other None

 Deposit Account:

Deposit Account Number

18-1945

Deposit Account Name

Ropes & Gray LLP

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Charge fee(s) indicated below Credit any overpayments
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 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)**3. ADDITIONAL FEES****Large Entity** **Small Entity**

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1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
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1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
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1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	490.00
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1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
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1808	180	1808	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
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1810	780	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	780	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 660.00)

**or number previously paid, if greater. For Reissues, see above

SUBMITTED BY**(Complete if applicable)**

Name (Print/Type)	Lisa M. Treannie	Registration No. (Attorney/Agent)	41,368	Telephone	(617) 951-7725	
Signature	<i>Lisa M. Treannie</i>				Date	November 15, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV543609353US, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 11-15-04Signature: Andrea Berlo (Andrea Berlo)



**United States
Patent and
Trademark Office**

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Deposit Account Statement

Requested Statement Month: November 2004
Deposit Account Number: 181945
Name: ROPES & GRAY
Attention: CATHY HOWELL/ PATENT DEPT.33/48
Address: ONE INTERNATIONAL PLACE
City: BOSTON
State: MA
Zip: 02110-2624

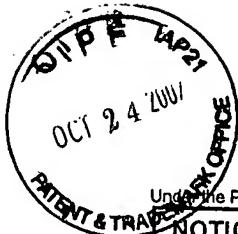
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11/17 104	60627476	TUU-P60-037	1005	\$160.00	\$51,5
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11/30 436 0577125	8522	\$25.00	\$23,2
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11/30 452 0049600	8522	\$25.00	\$22,8

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NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

BTP-P01-590

In re Application of
Park et al.Application Number
10/023259

Filed

December 14, 2001

For MICRONEEDLE DEVICES AND PRODUCTION THEREOF

Art Unit

3763

Examiner

K. C. Sirmons

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 340.00

 Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ 170.00

 A check in the amount of the fee is enclosed. Payment by credit card. Form PTO-2038 is attached. The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet. The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 18-1945. I have enclosed a duplicate copy of this sheet. A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

I am the

 applicant /inventor. assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) attorney or agent of record.

Registration number 41,368

 attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. _____

Signature

Lisa M. Treannie

Typed or printed name

(617) 951-7725

Telephone number

November 15, 2004

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

*Total of 1 forms are submitted.

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Dated: 11/15/04

Signature:

(Andrea Berlo)



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PTO/SB/31 (09-04)

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) BVTP-P01-590
In re Application of Park et al.		
Application Number 10/023259		Filed December 14, 2001
For MICRONEEDLE DEVICES AND PRODUCTION THEREOF		
Art Unit 3763		Examiner K. C. Sirmons

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 340.00

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 170.00

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 18-1945. I have enclosed a duplicate copy of this sheet.

A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

I am the

applicant/inventor.

assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b)
is enclosed. (Form PTO/SB/96)

Gisam Treannie

Signature:

Lisa M. Treannie
Typed or printed name

Telephone number

Telephone Number

November 15, 2004

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

Total of 1 forms are submitted.

11/17/2004 JADDD01 0000087 181945 10023259

02 FC:2401 170.00 DA

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Dated: 11/15/04 Signature: Andrea Berlo (Andrea Berlo)



PTO/SB/22 (10-04)

Approved for use through 7/31/2006, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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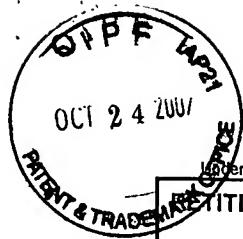
PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 (fees effective on or after October 1, 2004)		Docket Number (Optional) BVTP-P01-590	
Application Number	10/023259	Filed	December 14, 2001
For MICRONEEDLE DEVICES AND PRODUCTION THEREOF			
Art Unit	3763	Examiner	K. C. Simons
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.			
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
	Fee	Small Entity Fee	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$110.00	\$55.00	\$
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$430.00	\$215.00	\$
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$980.00	\$490.00	\$ 490.00
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1,530.00	\$765.00	\$
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2,080.00	\$1,040.00	\$
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>18-1945</u> . I have enclosed a duplicate copy of this sheet.			
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TECHNOLOGY CENTER 3700			
I am the <input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)			
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>41,368</u>			
<input type="checkbox"/> attorney or agent under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) _____			
<u>Lisa M. Treannie</u> Signature			
November 15, 2004 Date			
<u>Lisa M. Treannie</u> Typed or printed name			
(617) 951-7725 Telephone Number			
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.			

11/17/2004 JADDO1 00000067 181945 10023259

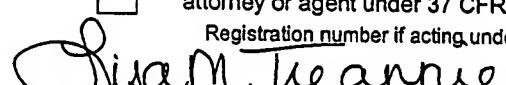
01 FC:2253 490.00 DA

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Dated: 11-15-04 Signature: Andrea Berto (Andrea Berto)



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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 (fees effective on or after October 1, 2004)		Docket Number (Optional) BVTP-P01-590
Application Number	10/023259	Filed December 14, 2001
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Art Unit 3763	Examiner	K. C. Sirmons
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I am the <input type="checkbox"/> applicant/inventor.		
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<input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>41,368</u>		
<input type="checkbox"/> attorney or agent under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) _____		
 Signature _____ Date <u>November 15, 2004</u>		
Lisa M. Treannie Typed or printed name _____ Telephone Number <u>(617) 951-7725</u>		
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Dated: 11-15-04

Signature:



Andrea Berlo